

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claim 16 is allowable.

In the Official Action, the Examiner objects to claim 13 because "said child" on the last line thereof should be --said person--. In response, claim 13 has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claim 13 be withdrawn.

In the Official Action, the Examiner rejects claims 1-6, 8, and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,576,972 to Harrison (hereinafter "Harrison"). Additionally, the Examiner rejects claims 10-14, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,462,051 to Oka et al. (hereinafter "Oka"). Furthermore, the Examiner rejects claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Corn. Lastly, the Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Oka in view of Corn.

In response, Applicants respectfully traverse the Examiner's rejections for at least the reasons set forth below.

With respect to independent claim 1, the Examiner argues that Harrison discloses all of the features of claim 1. Applicants respectfully disagree. In the rejection of claim 1, the Examiner argues that Harrison "teaches a device for monitoring people" and a "controller being programmed to classify an alarm condition attributed to the person to produce class data." However, in such rejections, the Examiner fails to give weight to the recitations in claim 1 of a "device for monitoring a first person requiring supervision" and

"said controller being programmed to classify at least one alarm condition **threatening to said first person**." Nowhere in Harrison is it taught or suggested to monitor a person requiring supervision or classifying an alarm condition threatening to the person being monitored. Harrison is directed to an **area** monitoring system (see Title of the Invention as well as preamble of claims). Harrison monitors an area for detection of an intruder or for the purpose of theft deterrence. Column 10, line 45 to column 11, line 4 contemplates several examples of intruder detection and theft deterrence, such as monitoring an established perimeter, providing after hour security at an auto show, monitoring underwater activity, monitoring valuable property, detection of unauthorized personnel or objects entering a monitored space, and providing security on a movie location for valuable equipment when the equipment is not in use. Harrison does not teach, contemplate or suggest monitoring a first person **requiring supervision** or classifying at least one alarm condition **threatening to said first person** as is recited in claim 1.

With respect to independent claims 10 and 13, the Examiner argues that Oka discloses all of the features of claims 10 and 13. Applicants again respectfully disagree. Oka is directed to a **medical communication system**, in which a physical information of a patient is remotely monitored and transmitted remotely through a telephone network, such as to a doctor at a hospital (see column 7, line 29 to column 8, line 21 for a summary). The medical communication system of Oka also transmits the voices of the patient and/or a caregiver, such as a nurse, to the doctor where the voice signals are multiplexed for transmission and demultiplexed at the remote location, from each other and also from a physical information signal transmitted with the voice signals. The voice of the doctor can also be transmitted from the doctor back to the site of the patient and caregiver. Thus, Oka merely teaches a medical

communication system which monitors a physical condition of only a patient and transmits signals representative of the physical condition remotely to a doctor and also transmits voice signals to and from the doctor.

Oka makes no mention or suggestion of "generating first and second signals responsive to a first state of a caretaker of said person and a second state of said person" as is recited in claim 10. Nor does Oka mention or suggest a "controller being programmed to generate a first alarm signal when said first state is outside a first specified range and to generate a second alarm signal when said second state is outside a second specified range" as is also recited in claim 10. Similarly, Oka does not mention or suggest "generating a first signal indicative of a status of a person or said person's environment" and "detecting an event requiring the attention of a remote supervisor" where "said step of detecting includes detecting behavior of a person other than said person and in said person's environment" as is recited in claim 13. As discussed above, Oka does not monitor the state of a caregiver of a person, but merely provides a communication link between the person and caregiver to a remote location, such as a hospital.

With regard to the rejections of claims 1-6, 8-14, 18, and 19 under 35 U.S.C. § 102(b), monitoring systems, devices and methods having the features discussed above and as claimed in independent claims 1, 10, and 13 are nowhere disclosed in Harrison or Oka. Since it has been decided that "**anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,**"<sup>1</sup> independent claims 1, 10, and 13 are not anticipated by either Harrison or Oka. Accordingly, independent claims 1, 10, and 13 patentably distinguish over both Harrison and

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<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

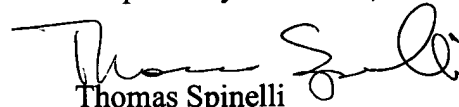
Oka and are allowable. Claims 2-6, 8, 9, 11, 12, 14, 18, and 19 being dependent upon claims 1, 10, and 13, are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-6, 8-14, 18, and 19 under 35 U.S.C. § 102(b).

With regard to claims 7 and 15, since independent claims 1 and 13 patentably distinguish over the prior art and are allowable, claims 7 and 15 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 7 and 15 under 35 U.S.C. § 103(a).

Lastly, new claim 20 has been added which merges the features of original claims 13 and 16, which the Examiner has indicated as being allowable.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

  
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